

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MICHAEL W. GAMBILL,**

**Plaintiff,**

**v.**

**WERNER CO. and  
STANLEY BLACK & DECKER, INC.,  
f/k/a THE STANLEY WORKS, INC.,**

**Defendants.**

**Case No. 10-cv-459-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is a Stipulation for Dismissal (Doc. 24), filed by Plaintiff with consent of counsel for Defendants. The Stipulation seeks to dismiss without prejudice defendant Werner Company ("Werner") only, from this suit, each Party to bear its own costs and fees. The dismissal is made pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**. The Court hereby **ACKNOWLEDGES** said Stipulation and that defendant Werner is hereby **DISMISSED WITHOUT PREJUDICE** from this suit, each Party to bear its own costs and fees.

In addition, due to its dismissal herein, the Court hereby **FINDS AS MOOT** defendant Werner's Motion for Summary Judgment (Doc. 13).

**IT IS SO ORDERED.**

Signed this 16th day of December, 2010.

  David R. Herndon  
2010.12.16  
15:41:35 -06'00'

**Chief Judge  
United States District Court**